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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
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IN RE:

DIANE H. KENNEDY,

Case No. 07-35532  
(Chapter 7)

Debtor.  
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**APPELLANT DAIMLER CHRYSLER FINANCIAL SERVICES'  
DESIGNATION OF RECORD ON APPEAL AND STATEMENT OF ISSUES  
PURSUANT TO RULE 8006**

**A. DESIGNATION OF RECORD**

Appellant, Daimler Chrysler Financial Services, designates the following for inclusion in the Record on Appeal:

**Docket No.**

**Description**

56	Motion to Avoid Lien <i>Notice of Presentment of Debtor's Motion to Avoid Judicial Lien</i> filed by Thomas Genova on behalf of Diane H. Kennedy to be presented on 12/21/2007 at 12:00 PM at Poughkeepsie Office - 355 Main Street (Attachments: # (1) Exhibit exhibit a# <a href="#">2</a> Exhibit exhibit b# <a href="#">3</a> affidavit# <a href="#">4</a> Order# <a href="#">5</a> affidavit of service) (Genova, Thomas) Modified on 12/6/2007 to correct presentment information (Colon, Gwen). (Entered: 12/05/2007)
57	Letter <i>Adjourning Hearing on Debtor's Motion to Avoid Judicial Lien for a date to be determined by the Court</i> (related document(s) <a href="#">56</a> ) filed by Leigh A. Hoffman on behalf of Paul L Banner. (Hoffman, Leigh) (Entered: 12/14/2007)

- 58 Letter *rescheduling Debtor's Motion to Avoid Judgment Lien to February 5, 2008* (related document(s)[56](#)) filed by Leigh A. Hoffman on behalf of DaimlerChrysler Financial Services Americas LLC. with hearing to be held on 2/5/2008 at 12:00 PM at Poughkeepsie Office - 355 Main Street Objections due by 1/29/2008, (Hoffman, Leigh) (Entered: 01/03/2008)
- 59 Response to Motion *to Avoid Judgment Lien Pursuant to 11 U.S.C. Section 522(f)(1)* (related document(s)[56](#)) filed by Leigh A. Hoffman on behalf of DaimlerChrysler Financial Services Americas LLC with hearing to be held 2/5/2008 at 12:00 PM at Poughkeepsie Office - 355 Main Street. (Attachments: # [1](#) Exhibit A-D) (Hoffman, Leigh) Modified on 1/31/2008 to add hearing information (Fredericks, Frances). (Entered: 01/30/2008)
- 60 Memorandum of Law *in Support of Motion to Avoid Judicial Lien* (related document(s)[56](#)) filed by Andrea B. Malin on behalf of Diane H. Kennedy. (Malin, Andrea) (Entered: 02/01/2008)
- 61 Affidavit of Service filed by Thomas Genova on behalf of Diane H. Kennedy. (Genova, Thomas) (Entered: 02/04/2008)
- 62 Memorandum of Law *In Support Of Notice Of Motion To Avoid Judicial Lien* filed by Thomas Genova on behalf of Diane H. Kennedy. (Attachments: # [1](#) affidavit of service) (Genova, Thomas) (Entered: 02/04/2008)
- 64 Memorandum of Law *in Opposition to Debtor's Motion to Avoid Lien* filed by Leigh A. Hoffman on behalf of DaimlerChrysler Financial Services Americas LLC. (Hoffman, Leigh) (Entered: 02/04/2008)
- 67 Memorandum of Law *In Support Of Notice Of Motion TO Avoid Judicial Lien* filed by Thomas Genova on behalf of Diane H. Kennedy. (Attachments: # [1](#) affidavit of service) (Genova, Thomas) (Entered: 02/12/2008)
- 69 Memorandum of Law *In Support Of Notice Of Motion To Avoid Judicial Lien* filed by Andrea B. Malin on behalf of Diane H. Kennedy. (Attachments: # [1](#) affidavit of service) (Malin, Andrea) (Entered: 02/14/2008)

- 70 Amended Motion to Avoid Lien on Household Goods under Section 522(f)(1)(B)(i) *Amended Motion to Avoid Judicial Lien* filed by Andrea B. Malin on behalf of Diane H. Kennedy. (Attachments: # [1](#) affidavit# [2](#) Exhibit exhibit a# [3](#) Exhibit exhibit b# [4](#) Exhibit exhibit c# [5](#) Order# [6](#) affidavit of service) (Malin, Andrea) (Entered: 02/14/2008)
- 73 Reply Memorandum of Law *in Opposition to Debtor's Motion to Avoid Lien* (related document(s)[56](#)) filed by Leigh A. Hoffman on behalf of DaimlerChrysler Financial Services Americas LLC. (Attachments: # [1](#) Exhibit "A" and "B"# [2](#) Affidavit of Service) (Hoffman, Leigh) (Entered: 02/26/2008)
- 75 Memorandum of Law *Reply to Memorandum of Law in Opposition to Debtor's Motion To Avoid Judicial Lien* filed by Andrea B. Malin on behalf of Diane H. Kennedy. (Malin, Andrea) (Entered: 03/07/2008)
- 76 Order signed on 3/13/2008 Granting Motion To Avoid Lien (Related Doc # [70](#)). (Colon, Gwen) (Entered: 03/13/2008)
- 77 Notice of Appeal (related document(s)[76](#)) filed by Leigh A. Hoffman on behalf of DaimlerChrysler Financial Services Americas LLC. (Attachments: # [1](#) Civil Cover Sheet# [2](#) Affidavit of Service)(Hoffman, Leigh) (Entered: 03/20/2008)

### **B. STATEMENT OF ISSUES PRESENTED**

Did the Court below err in determining that 11 U.S.C. § 522(f) permits a debtor to modify a judgment lien when the homestead exemption is not impaired by the judgment lien?

Dated: March 26, 2008  
Albany, New York

/s/ Leigh A. Hoffman  
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